

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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U.S. COMMODITY FUTURES TRADING
COMMISSION,

ECF Case

Plaintiff,

Civil Action No. 12 CV 8791 (CM)

-against-

AFFIRMATION

ERIC MONCADA,
BES CAPITAL LLC, and
SERDIKA LLC,

Defendants.

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Richard M. Asche, an attorney licensed to practice before the Courts of the State of New York, affirms the following under penalties of perjury:

I am a member of the firm of Litman, Asche & Gioiella, LLP, attorneys for the defendant Eric Moncada. I make this affirmation in support of the motion by the defendant requesting a brief extension of time to file the Joint Pre-Trial Order and dispositive motions from January 15, 2014 to January 29, 2014. The plaintiff U.S. Commodity Futures Trading Commission has consented to this request.

The reason for this request is that in the last few days, I have been summoned by a client in Switzerland for a matter involving several individuals whose schedules are inflexible. I will be out of the office for most of the day Monday through Thursday of next week. While the parties have made substantial headway toward completing the Pre-Trial Order, the loss of three days' time next week will make it impossible to produce a finished product in time for the

January 15 deadline. We are requesting two weeks because of scheduling issues involving the attorneys for plaintiff in the week following January 15.

The parties do not anticipate seeking any further extensions of this deadline.

Conclusion

Defendant respectfully requests that the deadline for submission of the Joint Pre-Trial Order be extended from January 15, 2014 to January 29, 2014.

Dated: New York, New York
January 9, 2014

/s/ Richard M. Asche
Richard M. Asche